

ASSEMBLY BILL

No. 1376

Introduced by Assembly Member Bass

February 27, 2009

An act relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1376, as introduced, Bass. Sentencing.

Existing law prescribes various penalties for criminal offenses.

This bill would state the Legislature's findings and declarations regarding the general purposes of the law on sentencing with regard to decisions affecting the sentencing of offenders, matters affecting the administration of the sentencing system, and matters regarding rehabilitation and recidivism. The bill would declare the intent of the Legislature to enact legislation that would create an independent, multijurisdictional body to, among other things, develop sentencing guidelines and provide a nonpartisan forum for sentencing policy development.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 The general purposes of the law on sentencing, applicable to all
4 official actors in the sentencing system, are the following:

5 (a) With respect to decisions affecting the sentencing of
6 individual offenders, those purposes are all of the following:

1 (1) To render sentences in all cases within a range of severity
2 proportionate to the gravity of offenses, the harms done to crime
3 victims, and the blameworthiness of offenders.

4 (2) When reasonably feasible, to achieve offender rehabilitation,
5 general deterrence, incapacitation of dangerous offenders,
6 restoration of crime victims and communities, and reintegration
7 of offenders into the law-abiding community.

8 (3) To render sentences no more severe than necessary to
9 achieve the applicable purposes in paragraphs (1) and (2).

10 (b) With respect to matters affecting the administration of the
11 sentencing system, those purposes are all of the following:

12 (1) To preserve judicial discretion to individualize sentences
13 within a framework of law.

14 (2) To produce sentences that are uniform in their reasoned
15 pursuit of the specified in subdivision (a).

16 (3) To eliminate inequities in sentencing across populations.

17 (4) To encourage the use of intermediate sanctions.

18 (5) To ensure that adequate resources are available for carrying
19 out sentences imposed and that rational priorities are established
20 for the use of those resources.

21 (6) To ensure that all criminal sanctions are administered in a
22 humane fashion and that incarcerated offenders are provided
23 reasonable benefits of subsistence, personal safety, medical and
24 mental health care, and opportunities to rehabilitate themselves.

25 (7) To promote research on sentencing policy and practices,
26 including assessments of the effectiveness of criminal sanctions
27 as measured against their purposes and of the effects of criminal
28 sanctions upon families and communities.

29 (8) To increase the transparency of the sentencing and
30 corrections system, its accountability to the public, and the
31 legitimacy of its operations as perceived by all affected
32 communities.

33 (c) To promote rehabilitation and reduce recidivism among
34 offenders.

35 SEC. 2. It is the intent of the Legislature to enact legislation
36 that would create an independent, multijurisdictional body to do
37 all of the following:

38 (a) Develop sentencing guidelines.

1 (b) Collaborate over time with the trial and appellate courts in
2 the development of a common law of sentencing within the
3 legislative framework.

4 (c) Provide a nonpartisan forum for statewide policy
5 development, information development, research, and planning
6 concerning criminal sentences and their effects.

7 (d) Assemble and draw upon sources of knowledge, experience,
8 and community values from all sectors of the criminal justice
9 system, the public at large, and other jurisdictions.

10 (e) Perform its work and provide explanations for its actions
11 consistent with the purposes of the sentencing system.

12 (f) Ensure that all these efforts take place on a permanent and
13 ongoing basis with the expectation that the sentencing system must
14 strive continually to evaluate itself, evolve, and improve.